

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RHONDA BURNETT, JEROD BREIT,
JEREMY KEEL, HOLLEE ELLIS, and
FRANCES HARVEY, on behalf of
themselves and all others similarly
situated,

Plaintiff,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, REALOGY HOLDINGS
CORP., HOMESERVICES OF
AMERICA, INC., BHH AFFILIATES,
LLC, HSF AFFILIATES, LLC, RE/MAX
LLC, and KELLER WILLIAMS
REALTY, INC.,

Defendant.

Case No. 4:19-cv-00332-SRB

ORDER

Before the Court is Jorge Zea’s Motion for Clarification and Declaratory Relief. (Doc. #1686.) Mr. Zea is not a party to this action, not a member of the Settlement Class, and not an intervenor. Mr. Zea requests “declaratory relief confirming that steering remains unlawful under both the Settlement Agreement and Section 1 of the Sherman Act,” among other things. *Id.* at 6.

Mr. Zea does not have standing to seek relief in this action. Before properly filing a motion for substantive relief, Mr. Zea would need to successfully file a motion to intervene under Federal Rule of Procedure 24, which he has not done. *United States v. Metro. St. Louis Sewer Dist.*, 569 F.3d 829, 833 (8th Cir. 2009) (intervention required for non-parties to participate meaningfully in litigation). Furthermore, although Federal Rule of Civil Procedure 57 provides for a declaratory judgment action, Rule 57 does not—nor does any other provision of the Federal Rules of Civil Procedure—provide for a *motion* for declaratory judgment. *See I.E.C. ex rel. J.R. v. Minneapolis*

Pub. Sch., SSD No. 1, 970 F. Supp. 2d 917, 925 (D. Minn. 2013). Thus, the motion must be denied because “such a motion inconsistent with the Federal Rules.” *Id.* Finally, to the extent the Motion is considered an objection to the Settlement, Mr. Zea does not claim to have sold a home on an MLS and paid a commission during the eligible time period, so he has not established that he is a member of the Settlement Class. Non-class members lack standing to object to class settlements.

For the reasons stated above, Jorge Zea’s Motion for Clarification and Declaratory Relief (Doc. #1686) is DENIED.

IT IS SO ORDERED.

/s/ Stephen R. Bough
STEPHEN R. BOUGH, JUDGE
UNITED STATES DISTRICT COURT

Dated: April 22, 2025